

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America LLC,

Plaintiff,

vs.

JINDRISKA CHOTOT, also known as Jindriska Casperson; ASHLEY CASPERSON; and CHRISTINA CASPERSON,

Defendants.

NO: CV-12-451- RMP

Bankruptcy No: 09-06194-PCW11

Adversary No: 11-80290

ORDER GRANTING MOTION FOR DEFAULT AND JUDGMENT

Before the Court is bankruptcy trustee Bruce P. Kriegman's Motion for

Entry of Default and Judgment, ECF No. 4. The Court has reviewed the motion,

ORDER GRANTING MOTION FOR DEFAULT AND JUDGMENT ~ 1

1 its attachments, the Court's file, and the Bankruptcy Court's file for the adversary
2 action 11-80290-PCW11.

3 This case arose as an adversary action as part of the bankruptcy of LLS
4 America, LLC. This Court withdrew the reference to this action, set a trial date,
5 and referred the matter back to the Bankruptcy Court for that court to address
6 pretrial matters. The Bankruptcy Court entered orders granting the Bankruptcy
7 Trustee's motions for default and for default judgment. The trustee now moves
8 this Court for entry of default and default judgment.

9 “When a party against whom a judgment for affirmative relief is sought has
10 failed to plead or otherwise defend, and that failure is shown by affidavit or
11 otherwise, the clerk must enter the party’s default.” Fed. R. Civ. P. 54(a). “If the
12 plaintiff’s claim is for a sum certain or a sum that can be made certain by
13 computation, the clerk—on the plaintiff’s request, with an affidavit showing the
14 amount due—must enter judgment for that amount and costs against a defendant
15 who has been defaulted for not appearing.” Fed. R. Civ. P. 54(b).

16 Pursuant to the Court’s order on motion for withdrawal of reference, this
17 Court will treat the Bankruptcy Court’s orders entering default and default
18 judgment as proposed findings of fact and conclusions of law. The instant motion
19 was filed on August 27, 2012. The Defendants have filed no objection. After a
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1 review of the record before this Court and the bankruptcy court, the Court
2 concludes that default is appropriate and default judgment shall be entered.

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. The trustee's Motion for Entry of Default and Judgment, ECF No. 4, is
5 **GRANTED.**
- 6 2. Defendants Jindriska Chobot, also known as Jindriska Casperson; Ashley
7 Casperson; and Christina Casperson are in default, and default of said
8 Defendants is hereby entered.
- 9 3. The Court will enter default judgment by separate order.

10 **IT IS SO ORDERED.**

11 The District Court Executive is hereby directed to enter this Order and to
12 provide copies to counsel and to the Honorable Patricia C. Williams, Bankruptcy
13 Judge.

14 **DATED** this 31st day of October 2012.

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17 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
Chief United States District Court Judge
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